

UNITED STATES DISTRICT COURT

Southern

District of

New York

Shail V. Mehta

V.

SUMMONS IN A CIVIL ACTION

Merck & Company, Inc.

CASE NUMBER:

08 CIV 4177

TO: (Name and address of Defendant)

Merck & Company, Inc.
C/O CT Corporation System
111 Eighth Ave.
New York, New York 10011

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Laura V. Yaeger
Fleming & Associates
1330 Post Oak Blvd.
Suite 3030
Houston, Texas 77056
713-621-7944
713-621-9638 (Fax)

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

[Signature]

(By) DEPUTY CLERK

DATE

MAY 01 2008

AO 440 (Rev. 8/01) Summons in a Civil Action

08 CIV 4177

| RETURN OF SERVICE | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE May 12, 2008 at 1:00 PM | |
| NAME OF SERVER (PRINT) Sunbelt/ Henry Moss | TITLE Licensed Process Server NYC Lic. No. 0870001 | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): Personal service on Sabrina Ambrose a person authorized to accept for the CT Corporation System, the Registered Agent of Merck & Co., the defendant in the within action. Service was executed at 111 Eighth Avenue, New York, NY 10011 | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL \$ 78.50 |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>May 12, 2008</u> Date</p> <p style="text-align: center;"><u>Henry Moss</u> Signature of Server</p> <p style="text-align: center;">Sunbelt Reporting Service 6575 West Loop South, Suite 580, Bellaire, TX 77401 Address of Server</p> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.